

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. BLUMENTHAL,)	
)	
Plaintiff,)	Court No. 07 C 7230
vs.)	
)	
MATTHEW H. ANSELMO,)	Judge Joan B. Gottschall
M & M MARKETING, L.L.C., and KATHRYN)	
HEMENWAY)	
)	Magistrate Michael T. Mason
Defendants.)	

DECLARATION OF MICHAEL L. BLUMENTHAL

MICHAEL L. BLUMENTHAL, being first duly sworn on oath, deposes and states as follows:

Pursuant to 28 U.S.C. § 1746, the undersigned Michael L. Blumenthal declares:

1. That I am the Plaintiff in the above-entitled cause, of legal age and if called upon to testify could competently testify to the following based upon my personal knowledge, obtained through direct dialogue and communications with the Defendant and as corroborated by the documents attached and described hereinafter. In support of **PLAINTIFF'S MOTION FOR A TURNOVER ORDER AND THE ISSUANCE OF WRITS OF GARNISHMENT AGAINST TAPOUT, INC., CHAMPS SPORTS, INC. AND VARIOUS OTHER ENTITIES**, Plaintiff respectfully states as follows:

2. A true and accurate copy of each of the following accompanies this declaration:

Exhibit

Document

A

Agreement between Premier Fighter, L.L.C., Defendants and Tapout, L.L.C.- As this material may contain confidential information Plaintiff is not filing a copy of this document but only delivering a copy to the Court for its review and consideration in connection with the instant motion. In the event this Court believes Plaintiff needs to file this document it is respectfully requested that the Court so indicate and it will be done immediately.

- B Citation to Discover Assets
- C Official Records of the Secretary of State - Corporations Division
State of Nebraska regarding Premier Fighter, L.L.C.
- D April 9, 2008 e-mail re: Champs Sports purchase order-As the
attachments to the e-mail may contain confidential information
Plaintiff has not attached them to the filed motion but can deliver
them to the Court at or before the hearing of this motion.
- E Second April 9, 2008 e-mail re: Champs Sports order-order-As the
attachments to the e-mail may contain confidential information
Plaintiff has not attached them to the filed motion but can deliver
them to the Court at or before the hearing of this motion.
- F APPEARANCE FORM FOR PRO SE LITIGANTS DISTRICT
COURT FOR THE NORTHERN DISTRICT OF ILLINOIS received
from Defendant Anselmo.
- G April 22, 2008 e-mail.

3. That your affiant traveled with Mr. David Piell to Omaha, NE. On March 10, 2008 Plaintiff and David Piell met with Defendant Anselmo. During the meetings which took place that day, Defendant Anselmo told Plaintiff and David Piell, that:

- a) He used Plaintiff and Dr. Vicari's funds to start Premier Fighter, L.L.C.
- b) Premier Fighter, L.L.C. is wholly owned by M&M Marketing, L.L.C
which Company is wholly owned by Defendant Anselmo.
- c) Premier Fighter, LLC designs and has manufactured items of clothing
for Ultimate Fighting Championship fans. These items are
manufactured in the Far East and shipped to the United States for
resale. Premier Fighter paid for these items by causing money to be
sent outside the Continental United States to the suppliers they had in
the Far East.
- d) Plaintiff and Dr. Vicari's funds were used, among other things, to
startup Premier Fighter, develop the product line, set up and design a
website www.premierfighter.com, sponsor fighters in the UFC to

promote the product line of Premier Fighter, advertising for Premier Fighter company, and hiring a sales agent (Tapout, LLC).

- e) Premier Fighter, LLC was started to evade the effects of the instant litigation.
- f) He had orders for products of Premier Fighter from various sporting goods stores or departments, including but not limited to, Champs Sports, Hibbett's, Anchor Blue, Macy's, Dillard's, East Bay and Pax Sun.
- g) The orders from Champs Sports were in the process of being manufactured with and expected delivery date of April 17, 2008 on terms which would have payment to Premier Fighter within 15 days of delivery, or May 2, 2008.
- h) Defendants Anselmo and M&M Marketing entered into an agreement with Tapout, LLC. Defendant Anselmo showed Plaintiff and Mr. Piell the document which clearly stated that Premier Fighter was wholly owned by the Defendants and was the successor company to Defendant M&M Marketing, LLC..

4. That after promising once again to try to pay Plaintiff, by either borrowing money or selling a portion of his interest in Premier Fighter, and sending Plaintiff documentation regarding Premier Fighter's various contracts and orders, all Plaintiff received from Defendants were the documents attached to this motion.

5. That after Defendants failed to pay or deliver the documentation as promised on March 10, 2008, Plaintiff filed and caused to be served the instant Citation to Discover Assets. The original date for Defendants to appear thereon was April 17, 2008. Defendants failed to appear on the date in question. In a telephone conversation with Plaintiff the morning of the 17th Defendant claimed that he could not get a flight to Chicago the evening before or that morning. While speaking with Plaintiff that morning Defendant stated that if given a few days he could pay his debt and based on this promise was given a new date of April 22, 2008 to appear on the Citation. Once again Defendant failed to appear. In his oral communication with Plaintiff that morning that morning, Defendant sought to explain his failure to appear on an

employee of this Court and later in an e-mail on his inability to locate the matter on this Court's docket. At no time did Defendant Anselmo ever state that he didn't have the necessary paperwork as he represented to this Honorable Court on April 30, 2008.

6. After appearing at the April 30, 2008 hearing on Plaintiff's motion, Plaintiff offered several dates to Defendant for his Citation. Defendant chose May 8, 2008 at 9:30 am. On that date Defendant failed to appear. In a telephone conversation with Plaintiff at approximately 2:00 pm that day Defendant claimed his Mother had just been rushed to an unknown hospital in Rockford, IL with a heart attack and Defendant was turning around and heading to Rockford. During the ensuing 49 hours, Defendants have failed to deliver the promised partial payment or appear to answer the Citation. At no time since then has Defendant requested a rescheduling of his appearance on the Citation to Discover Assets.

7. To the extent that there are factual representations set forth in the attached motion which have not been specifically restated herein they are hereby incorporated into this Declaration and made a part hereof.

8. **FURTHER DECLARANT SAYETH NOT.**

/s/ Michael Blumenth
MICHAEL L. BLUMENTHAL

Withheld from CM/ECF System

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL L. BLUMENTHAL,)
Plaintiff,) Court No. 07 C 7230
vs.)
MATTHEW H. ANSELMO, M & M) Judge Joan B. Gottschall
MARKETING, L.L.C., and KATHRYN)
HEMENWAY)
Defendants.) Magistrate Michael T. Mason

CITATION TO DISCOVER ASSETS

TO: Matthew H. Anselmo
415 Martin Drive
Bellevue, NE 68005

YOU ARE COMMANDED to appear before Judge Michael T. Mason, or any judge sitting in his stead in Room 2214 of the U.S. Courthouse located at 219 South Dearborn Street, Chicago, Illinois, on April 17, 2008 at 9:00 A.M., to be examined under oath to discover assets or income not exempt from enforcement of a judgment. A judgment in favor of Michael L. Blumenthal and against Matthew H. Anselmo was entered on January 21, 2008 in the amount of \$2,344,498.50 and \$2,344,498.50 remains unsatisfied.

YOU ARE COMMANDED to produce at the examination:

and book, papers or records in your possession or control which may contain information concerning the property or income, of or indebtedness due judgment debtor.

YOU ARE PROHIBITED from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which the judgment debtor may be entitled or which may be acquired by or become due to the judgment debtor and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to the judgment debtor, until further order of court or termination of the proceedings. You are not required to withhold the payment of any money beyond double the amount of the judgment.

WARNING: YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL.

CERTIFICATE OF ATTORNEY (OR NON-ATTORNEY)

In the United States District Court for the Northern Division on January 31, 2008, a judgment in the amount of \$2,344,498.50 was entered in favor of Michael L. Blumenthal and against Matthew H. Anselmo in Case No.07 CV 7230 and a balance of \$2,344,498.50 remains unsatisfied.

I, the undersigned certify to the Court, under penalties as provided by law pursuant to 735ILCS 5/1-109 that all information stated herein is true.

ATTY NO. 6183007
NAME: Michael L. Blumenthal
ADDRESS: 77 W. Washington #1720
CITY/STATE: Chicago, IL 60602
TELEPHONE: (312) 372-3566

Signature of Attorney
WITNESS: _____, 2008

Clerk of the Court

Jarrett Nunez
Deputy Clerk
APR - 8 2008
Date

Exhibit B

AFFIDAVIT OF SERVICE

Carl Barnett on oath states:

I am over 18 years of age and not a party to this case. I served the Citation To Discover Assets as follows:

On April 12, 2008 by leaving a copy with him personally on April 12, 2008, at the hour 3:10 P. M., at 8208 S 109th St Street in the City of La Vista, Nebraska, Illinois.

OR

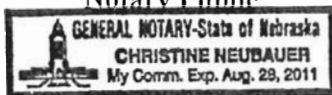
On _____, 2008 by leaving on _____, _____, at the hour of _____ . M., at _____ Street in the City of _____, Illinois, his usual place of abode with, _____, a person of his family of the age of 13 or upwards informing that person of the contents of the Citation to Discover Assets, and also by sending a true and correct copy on _____, _____, by prepaid Registered Mail, addressed to him, Return Receipt Requested, delivery limited to addressee only. The registry receipt signed by addressee on _____, _____, is attached.

(attach receipt here)

[Signature]

**Signed and sworn to before me on this 15 day of April, 2008

Christine Neubauer
Notary Public



** If service is made by sheriff, return may be made by certificate rather than by sworn affidavit.

Official Nebraska Government Website

[Home](#) » Corporation and Business Entity Searches

Thu May 1 16:34:38 2008

Results

Your search has returned 4 results.

[NEW SEARCH](#)

[SHOPPING CART](#)

Entity Name	Secretary of State Account Number	Type	Account Status	
PREMIER ABSTRACT & TITLE, INC.	10103198	Domestic Corp	Active	DETAILS
PREMIER BOOSTER CLUB	0339857	Non Profit (Dom) Corp	Active	DETAILS
PREMIER FIGHTER, L.L.C.	10106724	Domestic L L C	Active	DETAILS
PREMIER PSYCHIATRIC RESEARCH INSTITUTE, LLC	10077462	Domestic L L C	Active	DETAILS

[Back to Top](#)

For Help/Information about Corporation Images, please view the [FAQ](#). Thank you!

Exhibit C

Official Nebraska Government Website

[Home](#) » Corporation and Business Entity Searches
 Thu May 1 12:47:38 2008

For Letters of Good Standing (\$6.50), Certificates of Good Standing (\$10.00), and/or images (\$0.45 per page) of documents filed with the Secretary of State please click the corresponding service below:

NEW SEARCH **SHOPPING CART**

[Back to Search Results](#)

Pay Services:

[Online Images of Filed Documents](#) | [Good Standing Documents](#)

Entity Name

PREMIER FIGHTER, L.L.C.

SOS Account Number

10106724

Principal Office Address

11329 "P" STREET
 OMAHA, NE

Registered Agent and Office Address

RICHARD WHITWORTH
 8210 SOUTH 109TH STREET
 LAVISTA, NE 68128

Nature of Business

Not Available

Entity Type

Domestic L L C
 Qualifying State: NE

Date Filed

Jan 16 2008

Account Status

Active

Corporation Position

Name

Address

Member

M&M MARKETING, LLC

11329 P STREET
 OMAHA, NE 68137

Pay Services:

To add an item to your shopping cart, please check the check box and click "Add Items to Cart" button at the bottom of the page.

- Images of Filed Documents

If a check box is visible, the document may be retrieved online, otherwise you must contact the Secretary of State's office to obtain a copy of the document.

	Code	Trans	Date	Price
<input type="checkbox"/>	AL	Articles Limited	Jan 16 2008	\$1.35 = 3 page(s) @ \$0.45 per page
<input type="checkbox"/>	PP	Proof of Publication	Feb 22 2008	\$0.45 = 1 page(s) @ \$0.45 per page
<input type="checkbox"/>	AO	Change of Agent or Office	Apr 09 2008	\$0.45 = 1 page(s) @ \$0.45 per page

- Letter of Good Standing

☐ I want to order an online/electronic Letter of Good Standing for the Corporation which is immediately available for viewing or printing from my desktop. \$6.50

- Certificate of Good Standing

☐ I want to order a Certificate of Good Standing for the Corporation which contains the State Seal and signature of the Secretary of State. The certificates are mailed from the Secretary of State's office within 2-3 business days.

\$10.00

[Click Here](#) to view FAQ for explanation for requesting a Letter of Good Standing available online or Certificate of Good Standing available from Secretary of State's office.

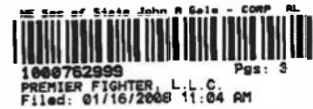
[Select All](#) | [Select None](#)

ADD TO CART

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For Help/Information about Images, please view the [FAQ](#). Thank you!

Page 1



ARTICLES OF ORGANIZATION OF PREMIER FIGHTER, L.L.C.

ARTICLE I

Premier Fighter, L.L.C.

The name of this limited liability company is Premier Fighter, L.L.C.

ARTICLE II

Duration

The period of duration of the Company is perpetual.

ARTICLE III

Purpose and Powers

3.1. Purposes. The purposes for which the Company is organized are to engage in any and all lawful business for which a limited liability company may be organized under the laws of the State of Nebraska, including but not limited to marketing mixed martial arts attire and related products.

3.2. Powers. The Company shall have and exercise all powers and rights conferred upon a limited liability company by the Nebraska Limited Liability Company Act (the "Act"), and any enlargement of such powers conferred by subsequent legislative acts.

ARTICLE IV

Principal Place of Business

The Company's principal place of business in Nebraska is located at 11329 "P" Street, Omaha, Nebraska 68137.

ARTICLE V

Registered Office and Registered Agent

5.1. Office. The initial registered office of the Company is located at 11329 P Street, Omaha, NE 68137.

5.2. Agent. The name of the initial registered agent of the Company at such address is Richard Whitworth.

ARTICLE VI

Stated Capital

The total amount of cash and description and agreed value of all property, other than cash, initially contributed by the members as a basis for capitalization of the Company are described below:

<u>Property Contributed</u>	<u>Agreed Value</u>
Cash	\$5,000.00
Personal Property	<u>\$20,000.00</u>
Total	<u>\$25,000.00</u>

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ARTICLE VII

Additional Capital Contributions

Additional contributions to the capital of the Company shall be made only at such times and in such amounts as the members of the Company shall consent to in writing, as provided in the Operating Agreement of the Company.

ARTICLE VIII

Admission of Additional Members

Additional members shall be admitted to the Company from time to time, upon the affirmative unanimous vote of the then-existing members.

ARTICLE IX

Transfer or Assignment of Membership

If a member of the Company does not obtain the prior written consent of at least a majority in interest of the other members of the Company to the transfer or assignment by contract or operation of law of all or any portion of such transferring member's interest in the Company, then the Transferee shall have no right to participate in the management of the Company or to become a member of the Company. In such event, the Transferee shall only be entitled to receive the share of the Company's profits or other compensation by way of income allocable to the transferred interest and the return of any capital contributions to which the transferring member would otherwise have been entitled with respect to such transferred interest. Any member of the Company may in his or her sole discretion withhold consent to any such transfer or assignment.

ARTICLE X

Withdrawal from Membership

Subject to the limitations on withdrawal of capital contained in the Act and in the Operating Agreement, any member may withdraw from membership in the Company at any time, but shall not be entitled to demand the return of any part of such withdrawing member's capital contribution until all liabilities of the limited liability company, other than liabilities to members, have been paid or provided for; and a majority in interest of the members have consented to the return; or such withdrawal has been authorized by amendment or cancellation of the articles of organization. No member shall be entitled to withdraw any property other than cash from the Company without the prior written consent of a majority in interest of the remaining members.

ARTICLE XI

Right to Continue Business

The business of the Company shall be continued upon the death, retirement, resignation, expulsion, bankruptcy, or dissolution of any member or on the occurrence of any other event which terminates the continued membership of any member in the Company upon the written consent of a majority in interest of the remaining members of the Company.

Page 3

ARTICLE XII

Management of the Company

The management of the Company shall be vested in the members. The names and addresses of the initial members are as follows:

M&M Marketing, LLC
11329 P Street
Omaha, NE 68137

ARTICLE XIII

Majority in Interest

Whenever the term "majority in interest" is used herein or in the Operating Agreement, it shall mean a majority of both the capital interests and the profits interests of the Members in question in the Company, determined as of the date in question.


ARTICLE XIV

Amendments

These Articles of Organization shall be amended as required by the Act. In all other circumstances, these Articles may be amended only upon the affirmative vote of a two-thirds majority in interest of the members of the Company.

The undersigned, being all the members of the Company, hereby adopts and signs the foregoing Articles of Organization for the purpose of forming the Company under the Act.

MEMBERS



Matthew H. Anselmo
Member/Manager,
M&M Marketing, L.L.C.

mike

From: anselmo@premierfighter.com
Sent: Wednesday, April 09, 2008 1:44 PM
To: Mike's Office
Subject: Champs P.O.'s
Attachments: Champs P.O..doc; Champs P.O.2.doc

Matthew Anselmo
President Premier Fighter
www.PremierFighter.com
8208 S. 109th Street
Lavista NE 68128
1-888-51-FIGHT

Exhibit D

5/5/2008

mike

From: anselmo@premierfighter.com
Sent: Wednesday, April 09, 2008 4:33 PM
To: Mike's Office
Cc: DavidPiell@sbcglobal.net
Subject: Champs worksheets
Attachments: Champs_PF_Hat_PO.xls; Premier_Fighter_April_'08.xls

These are two work sheets from Champs that gives you a breakdown in numbers...The buyer from the hat department is different then the shirts and shorts that they are getting. The goods must be shipped by April 17th and are in production now!

Matthew Anselmo
President Premier Fighter
www.PremierFighter.com
8208 S. 109th Street
Lavista NE 68128
1-888-51-FIGHT

Exhibit E

5/5/2008

**APPEARANCE FORM FOR PRO SE LITIGANTS
DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS**

Information entered on this form is required for any person filing a case in this court as a pro se party (that is, without an attorney).

NAME: Matthew Anselmo
(Please print)

STREET ADDRESS: 8210 S. 109th St

CITY/STATE/ZIP: La Vista NE 68137

PHONE NUMBER: (402) 490-4571

CASE NUMBER: 07 C 7230

Email : Anselmo @ premier fighter . com

Matthew Anselmo
Signature

4-18-08
Date

mike

From: anselmo@premierfighter.com

Sent: Tuesday, April 22, 2008 9:00 AM

To: Mike's Mobile Office

I did not see myself on the court calender for today in Judge Masons room or Judge Gottschall. I also informed you that today I would have access to funds to continue to complete your request for repayment. This will happen today. I also submitted documentation to the court as Pro Se Litigant as you advised me to do on Friday. I will update you as far as payment goes.

Matthew Anselmo
President Premier Fighter
www.PremierFighter.com
8208 S. 109th Street
Lavista NE 68128
1-888-51-FIGHT

Exhibit G

5/5/2008